

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JEFFERY A. JOHNSON,  
  
Plaintiff,

vs.

Civil Action 2:13-cv-0025  
Judge Watson  
Magistrate Judge King

MUSKINGUM CO. SHERIFF'S DEPT.,  
*et al.*,

Defendants.

REPORT AND RECOMMENDATION

This matter is before the Court on plaintiff's motion for default judgment against defendant Aramark, Inc., Doc. No. 15. For the reasons that follow, it is recommended that the motion be denied.

In directing service of process by the Marshals Service, the Court specified that each defendant would have "forty-five days after service of process to respond to the *Complaint*." *Initial Screen of the Complaint*, Doc. No. 5. The docket indicates that service of process was effected on defendant Aramark, Inc., on January 22, 2013. *Summons Returned Executed*, Doc. No. 10. This defendant's response is therefore due on or before March 11, 2013. See Fed. R. Civ. P. 6(a)(1). Thus, the time by which defendant Aramark, Inc., must respond to the *Complaint* has not yet expired, and this defendant is not in default.

It is therefore **RECOMMENDED** that plaintiff's motion for default judgment, Doc. No. 15, be **DENIED**.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge

March 1, 2013